

**Delaware Department of Agriculture  
Pesticides Section, Enforcement  
2320 South DuPont Highway  
Dover, Delaware 19901  
Enforcement Action/Violation**

**Respondent:**

All In One Termite & Pest Control LLC  
2612 Jackson Ditch Road  
Harrington, DE 19952

**Violations:**

§1224(c)(2) – Refusing or neglecting to keep and maintain records required by the LAW, or to make reports when and as required..

**Penalty:**

Respondent signed a consent agreement on April 18<sup>th</sup> 2017. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$350.00.

**STIPULATED FACTS**

1. All In One Termite & Pest Control LLC (“Respondent”) is a commercial pesticide applicator business with an office located at 2612 Jackson Ditch Road, Harrington DE 19952. Respondent is licensed (License No. 777) by the Delaware Department of Agriculture (“the Department”). Chris Breckenridge is the Owner/Operator of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 93-640), in Category 7.7.1.1, General Pest Control (7A), Category 7.7.1.2, Wood Destroying Pest Control (7B).
2. The Pesticide Section of the Department (“Complainant,”) is bringing this enforcement action against Respondent. Dustin Borntreger, (“Borntreger”), is employed as an Environmental Scientist II with the Department. Christopher Wade, (“Wade”) is employed as an Environmental Program Administrator with the Department.
3. On March 1<sup>st</sup> 2017 the Delaware Department of Agriculture received a phone call from Mrs. Edna Bythwood. The phone call was received by Wade. Mrs. Bythwood told Wade about a termite treatment that the Respondent was supposed to make to her house. Water damage had been discovered in the home. When the contractor was taking out wet drywall termites were discovered. Mrs. Bythwood then hired All In One Termite & Pest Control LLC to treat for the termites. Mr. Breckenridge agreed to make the termiticide application. The termite treatment was planned to start while the contractors had the drywall off and the carpet pulled back. Mrs. Bythwood also had

removed deck boards in some locations so the soil was accessible for treatment.

4. On September 12<sup>th</sup> 2016, the respondent arrived to treat the interior wall where the contractors had removed drywall. Mrs. Bythwood was not aware that respondent had arrived for the treatment. According to contractors working on drywall, the respondent came in and sprayed something at the base of the wall and left. Mrs. Bythwood was never given a record of application or a bill.
5. On March 1<sup>st</sup> 2017 the Respondent provided a written statement to Bornltreger via fax. In this statement the Respondent described what occurred on September 12<sup>th</sup> 2016: "During the initial stage, contractors had exposed framing of an archway. I noticed active Termites at the base of the framing. Contractors had treated upper portion of frame with a store bought material. I applied permethrin at .25 at the base of the door frame on the right side only." The respondent then added: "It was our intention to return and complete the treatment upon her removal of decking board and excessive storage in garage."
6. On March 2<sup>nd</sup> 2017, Bornltreger contacted the Respondent to get clarification on the name brand and EPA Registration number of the termiticide used. The Respondent stated that the Termiticide used was Permethrin SFR Termiticide/Insecticide, EPA Reg. No. 70506-6-53883. At this time Respondent told Bornltreger that no record of application was ever completed for this job.
7. Permethrin SFR Termiticide/Insecticide, EPA Reg. No. 70506-6-53883 is registered for sale and use in Delaware.
8. Delaware Pesticide Rules and Regulations, *Revised June 1, 2004*, Section 14.0 Records states: 14.0 Records

#### 14.1 Commercial Applicators

Commercial applicators shall, for a period of two years from the date of application, keep records detailing the application of any pesticides to include:

14.1.1 The brand name of the pesticide used. In the case of a Restricted Use Pesticide or a pesticide which is used under the provisions of **40 Code of Federal Regulations**, Part 170, Worker Protection Standards, the EPA Registration Number shall also be recorded at or before the time of application.

14.1.2 When applicable, the dilution rate of the pesticide and the amount of diluted material applied per unit (i.e. gallons/acre, lbs./acre, etc.)

14.1.3 The date and specific area treated.

14.1.4 The pest against which the pesticide was used.

14.1.5 The applicator's name, and when applicable, the name of the certified applicator responsible for his supervision.

14.1.6 When label directions advise precaution in regard to drift, on-site weather conditions to include:

14.1.6.1 Wind velocity and direction

14.1.6.2 Temperature

14.1.6.3 Relative humidity

14.1.7 In addition to the above record keeping requirements, the applicator shall have available at the site of application, a copy of the label of the pesticide being used. Upon request, the applicator shall provide any interested person at or adjacent to the application site, with any information contained on the pesticide label.

14.1.8 Unless good cause is shown, records required by paragraph 14.1 shall be logged immediately or within 24 hours of completion of the pesticide application.

#### 14.2 Restricted Use Pesticides Dealers

14.2.1 Restricted use pesticide dealers shall keep and maintain for a period of two years, records on the sale or other disposition of restricted use pesticides to include the following:

14.2.1.1 The name and address of the residence or principal place of business of the certified applicator to whom the pesticide is made available for use.

14.2.1.2 The certification identification number of the purchaser or receiver of the pesticide on the document. If the receiver of the restricted use pesticide is other than a certified applicator, a form of photographic identification of the receiver must be presented at the time of delivery.

14.2.1.3 The product name and E.P.A. registration number on the label of the pesticide.

14.2.1.4 The quantity of the pesticide made available for use in the transaction.

14.2.1.5 Date of the sale or transaction.

9. In the past 5 years, Respondent has not been charged by the Department for non-compliance of 3 Del.C. Chapter 12, and/or the Delaware Pesticide Rules and Regulations.